

Regular Session, 2010

HOUSE BILL NO. 761

BY REPRESENTATIVES WHITE, CHAMPAGNE, CONNICK, FANNIN, GEYMANN,
HARRISON, LABRUZZO, LAMBERT, LEBAS, LEGER, LIGI, MCVEA,
PEARSON, AND GARY SMITH

ETHICS/FINANCIAL DISCLOS: Provides for the application of certain financial
disclosure provisions to certain parish and municipal employees

1 AN ACT

2 To enact R.S. 42:1124.2(A)(5), relative to financial disclosure; to require certain disclosures
3 by certain public employees; to provide for the content of such disclosures; to
4 provide for penalties; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 42:1124.2(A)(5) is hereby enacted to read as follows:

7 §1124.2. Financial disclosure; certain elected officials; members of certain boards
8 and commissions; ethics administrator; certain parish and municipal
9 employees

10 A. Each of the following, except a person who is required to file a financial
11 statement pursuant to R.S. 42:1124, shall annually file a financial statement as
12 provided in this Section:

13 * * *

14 (5) Each public employee of a parish having a population of fifty thousand
15 or more persons or of a municipality having a population of thirty-five thousand or
16 more persons who serves as the chief financial officer, head of public works, head
17 of procurement, or chief engineer, or equivalent position, for the parish or
18 municipality.

19 * * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

White

HB No. 761

Abstract: Requires each public employee of a parish having a population of 50,000 or more or of a municipality having a population of 35,000 or more who serves as the chief financial officer, head of public works, head of procurement, or chief engineer, or equivalent position, for the parish or municipality to file annual financial disclosure statements.

Present law (R.S. 42:1124.2) requires the following to annually file a financial statement with the Board of Ethics: (1) each member of the state legislature, (2) each person holding a public office who represents a voting district having a population of 5,000 or more, (3) each member of the Board of Ethics and the ethics administrator, and (4) each member of the State Board of Elementary and Secondary Education (informally termed Tier 2). Exempts statewide elected officials and certain executive branch officials required to file a financial statement under a different provision of present law (R.S. 42:1124—informally termed Tier 1).

Present law (R.S. 42:1124.2) generally requires the disclosure of certain specified information concerning income, employment, property, business associations, investments, liabilities, and transactions. Requires the disclosure of specified information, including value, regarding purchases or sales of immovable property, stocks, and other securities valued at over \$5,000 (subject to specific exceptions).

Proposed law adds to the list of persons required to annually file a financial statement with the Board of Ethics each public employee of a parish having a population of 50,000 or more persons or of a municipality having a population of 35,000 or more persons who serves as the chief financial officer, head of public works, head of procurement, or chief engineer, or equivalent position, for the parish or municipality. Otherwise retains present law.

Present law (R.S. 42:1124.4) provides relative to penalties. Provides for penalties, after receipt of a notice of delinquency, for failure to file, to provide omitted information, to correct inaccurate information, or to file a written answer prior to the deadline contained in the notice of delinquency. Penalties may be imposed for each day until the statement, omitted information, corrected information, or written answer is filed. Penalties are: \$500 per day for governor, statewide elected officials, and others who report pursuant to R.S. 42:1124 (Tier 1); \$100 per day for legislators, officials in districts of 5,000 persons or more, and members of boards and commissions who report pursuant to R.S. 42:1124.2 (Tier 2); and \$50 per day for officials who represent districts under 5,000 persons who report pursuant to R.S. 42:1124.3 (informally termed Tier 3). Provides criminal penalties for certain willful and knowing violations.

Proposed law makes present law applicable to violations of proposed law.

(Adds R.S. 42:1124.2(A)(5))

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on House and Governmental Affairs to the original bill.

1. Added a contract amount of \$1,500 or more to trigger the reporting requirement of proposed law.

House Floor Amendments to the engrossed bill.

1. Removed provisions applying financial disclosure requirements to a public employee who is authorized to negotiate or determine the terms of contracts and provides instead that such financial disclosure provisions shall apply to a public employee who serves as the chief financial officer, head of public works, head of procurement, or chief engineer, or equivalent position.